

REMARKS

With this Response, claims 3-8, 11 and 16 have been canceled. Claims 1, 2, 9, 10 and 12-15 are amended. As such, claims 1-2, 9, 10 and 12-15 are currently pending in the application. The amendments find support in the specification and are discussed in the relevant sections below. No new matter is added.

Summary of August 25, 2004 Interview:

Applicant is extremely grateful to Examiner Carolyn Smith and Examiner Ardin Marschel for participating in a telephone interview with Attorney Michael Doyle on August 25, 2004. During the interview, Attorney Doyle briefly discussed the Lincoln et al, Lehman et al., and Schraml et al. references.

In attempting to distinguish the Applicant's claimed invention from the cited references, Attorney Doyle described the Applicant's invention as a control microarray wherein each sample on the array is representative of a known stage of cancer. The utility of such an invention being that a patient in need of a diagnosis could compare his/her tissue sample to the control microarray, find a matching sample and thereby determine the corresponding stage of cancer for the unknown sample.

During the interview, Examiner Marschel expressed concern that such claim coverage could read upon a microarray of unknown cancer stages, i.e., a microarray in a lab comprising a variety of samples wherein each sample happens to represent a different stage of cancer.

With this Response, independent claim 1 has been amended and several claims have been canceled to better clarify the Applicant's claimed invention and to exclude the possibility that the claims could read upon such a microarray as described by Examiner Marschel.

Again, Applicant is extremely thankful to Examiners Smith and Marschel for their participation in the expedition of the prosecution of the pending application.

Interview summary  
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CS  
10/19/04